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9
10 **BEFORE THE**
PHYSICIAN ASSISTANT BOARD
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 950-2021-003193

14 **STEPHANIE M. BRAMMER, P.A.**
15 **1601 Drew Road, Spc. 51**
El Centro, CA 92243-9685

A C C U S A T I O N

16 **Physician Assistant License No. PA 20877,**

17 Respondent.

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19
20 **PARTIES**

21 1. Rozana Khan (Complainant) brings this Accusation solely in her official capacity as
22 the Executive Officer of the Physician Assistant Board, Department of Consumer Affairs (Board).

23 2. On or about March 4, 2010, the Physician Assistant Board issued Physician Assistant
24 License No. PA 20877 to Stephanie M. Brammer, P.A. (Respondent). The Physician Assistant
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on May 31, 2023, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 3527 of the Code states, in pertinent part:

(a) The board may order the denial of an application for, or the issuance subject to terms and conditions of, or the suspension or revocation of, or the imposition of probationary conditions upon a PA license after a hearing as required in Section 3528 for unprofessional conduct that includes, but is not limited to, a violation of this chapter, a violation of the Medical Practice Act, or a violation of the regulations adopted by the board.

(b) The board may order the denial of an application for, or the suspension or revocation of, or the imposition of probationary conditions upon, an approved program after a hearing as required in Section 3528 for a violation of this chapter or the regulations adopted pursuant thereto.

...

(d) The board may order the licensee to pay the costs of monitoring the probationary conditions imposed on the license.

(e) The expiration, cancellation, forfeiture, or suspension of a PA license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

5. Section 3528 of the Code states:

Any proceedings involving the denial, suspension, or revocation of the application for licensure or the license of a PA or the application for approval or the approval of an approved program under this chapter shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

6. Section 2227 of the Code states, in pertinent part:

(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

(1) Have his or her license revoked upon order of the board.

(2) Have his or her right to practice suspended for a period not to exceed one

1 year upon order of the board.

2 (3) Be placed on probation and be required to pay the costs of probation
3 monitoring upon order of the board.

4 (4) Be publicly reprimanded by the board. The public reprimand may include a
5 requirement that the licensee complete relevant educational courses approved by the
6 board.

7 (5) Have any other action taken in relation to discipline as part of an order of
8 probation, as the board or an administrative law judge may deem proper.

9 ...

10 7. Section 2234 of the Code, states, in pertinent part:

11 The board shall take action against any licensee who is charged with
12 unprofessional conduct. In addition to other provisions of this article, unprofessional
13 conduct includes, but is not limited to, the following:

14 (a) Violating or attempting to violate, directly or indirectly, assisting in or
15 abetting the violation of, or conspiring to violate any provision of this chapter.

16 (b) Gross negligence.

17 ...

18 (e) The commission of any act involving dishonesty or corruption that is
19 substantially related to the qualifications, functions, or duties of a physician and
20 surgeon.

21 ...

22 8. Section 2238 of the Code states:

23 A violation of any federal statute or federal regulation or any of the statutes or
24 regulations of this state regulating dangerous drugs or controlled substances
25 constitutes unprofessional conduct.

26 9. Section 2239 of the Code states, in pertinent part:

27 (a) The use or prescribing for or administering to himself or herself, of any
28 controlled substance; or the use of any of the dangerous drugs specified in Section
4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous
or injurious to the licensee, or to any other person or to the public, or to the extent that
such use impairs the ability of the licensee to practice medicine safely or more than
one misdemeanor or any felony involving the use, consumption, or
self-administration of any of the substances referred to in this section, or any
combination thereof, constitutes unprofessional conduct. The record of the
conviction is conclusive evidence of such unprofessional conduct.

...
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1 10. Section 2242 of the Code states, in pertinent part:

2 (a) Prescribing, dispensing, or furnishing dangerous drugs as defined in
3 Section 4022 without an appropriate prior examination and a medical indication,
4 constitutes unprofessional conduct...

5 ...

6 11. Section 2261 of the Code states:

7 Knowingly making or signing any certificate or other document directly or
8 indirectly related to the practice of medicine or podiatry which falsely represents the
9 existence or nonexistence of a state of facts, constitutes unprofessional conduct.

10 12. Section 2266 of the Code states: The failure of a physician and surgeon to maintain
11 adequate and accurate records relating to the provision of services to their patients constitutes
12 unprofessional conduct.

13 13. Section 4022 of the Code states, in pertinent part:

14 “Dangerous drug” or “dangerous device” means any drug or device unsafe for
15 self-use in humans or animals, and includes the following:

16 (a) Any drug that bears the legend: “Caution: federal law prohibits dispensing
17 without prescription,” “RX only,” or words of similar import.

18 ...

19 (c) Any other drug or device that by federal or state law can be lawfully
20 dispensed on prescription or furnished pursuant to Section 4006.

21 14. Health and Safety Code Section 11153 states, in pertinent part:

22 (a) A prescription for a controlled substance shall only be issued for a
23 legitimate medical purpose by an individual practitioner acting in the usual course of
24 his or her professional practice. The responsibility for the proper prescribing and
25 dispensing of controlled substances is upon the prescribing practitioner, but a
26 corresponding responsibility rests with the pharmacist who fills the prescription.
27 Except as authorized by this division, the following are not legal prescriptions: (1) an
28 order purporting to be a prescription which is issued not in the usual course of
 professional treatment or in legitimate and authorized research; . . .

 ...

 15. Section 11157 of the Health and Safety Code states: No person shall issue a
prescription that is false or fictitious in any respect.

 16. Section 11170 of the Health and Safety Code states: No person shall prescribe,
administer, or furnish a controlled substance for himself.

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1 (g)(1) Except as provided in paragraph (2), the board shall not renew or
2 reinstate the license of any licensee who has failed to pay all of the costs ordered
3 under this section.

4 (2) Notwithstanding paragraph (1), the board may, in its discretion,
5 conditionally renew or reinstate for a maximum of one year the license of any
6 licensee who demonstrates financial hardship and who enters into a formal agreement
7 with the board to reimburse the board within that one-year period for the unpaid
8 costs.

9 (h) All costs recovered under this section shall be considered a reimbursement
10 for costs incurred and shall be deposited in the fund of the board recovering the costs
11 to be available upon appropriation by the Legislature.

12 (i) Nothing in this section shall preclude a board from including the recovery of
13 the costs of investigation and enforcement of a case in any stipulated settlement.

14 (j) This section does not apply to any board if a specific statutory provision in
15 that board's licensing act provides for recovery of costs in an administrative
16 disciplinary proceeding.

17 **STATEMENT OF FACTS**

18 20. Between in or around 2010 and in or around 2021, Respondent worked as a P.A. at
19 Imperial Valley Family Care Medical Group (IVFCMG) under the supervision of V.P., M.D. (Dr.
20 V.P.).

21 21. Between in or around 2016, and in or around 2021, Respondent received care and
22 treatment at IVFCMG and had a patient chart maintained at that facility.

23 22. Between in or around 2016, and in or around 2020, Respondent self-prescribed and
24 filled over 100 prescriptions for dangerous drugs pursuant to section 4022 of the Code, without a
25 documented examination or medical indication, that included but was not limited to, Nuvaring (a
26 vaginal ring used to prevent pregnancy), fluconazole (antifungal medication), prednisone and
27 budesonide (steroid medications used to treat inflammation), promethazine and hydroxyzine
28 (antihistamine medications), ondansetron (antiemetic medication used to treat nausea), baclofen
(muscle relaxant), cephalexin, (antiemetic medication used to treat nausea), spironolactone
(diuretic medication used to treat high blood pressure, fluid retention, or high levels of the
hormone aldosterone), Cathflo Activase (medication used to break up clots and restore flow to a
central venous access device), and various antibiotics.

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1 23. On or about June 26, 2020, Respondent self-prescribed promethazine-codeine¹ and
2 Tylenol-Codeine No. 3.² Respondent's medical chart did not include a documented examination
3 or medical indication for these medications.

4 24. On or about August 9, 2020, Respondent self-prescribed Tylenol-Codeine No. 3 and
5 Ambien,³ using the name of her supervisor, Dr. V.P. Respondent's medical chart did not include
6 a documented examination or medical indication for these medications.

7 25. On or about August 30, 2020, Respondent self-prescribed Soma⁴ using the name of
8 her supervisor, Dr. V.P. Respondent's medical chart did not include a documented examination
9 or medical indication for this medication.

10 26. On or about December 10, 2020, Respondent self-prescribed Ambien using the name
11 of her supervisor, Dr. V.P. Respondent's medical chart did not include a documented
12 examination or medical indication for this medication.

13 27. On or about February 1, 2021, Respondent self-prescribed Tylenol-Codeine No. 3 and
14 Ambien using the name of her supervisor, Dr. V.P. Respondent's medical chart did not include a
15 documented examination or medical indication for these medications.

16 28. On or about March 29, 2021, Respondent self-prescribed Ambien and phentermine⁵
17 using the name of her supervisor, Dr. V.P. Respondent's medical chart did not include a
18 documented examination or medical indication for these medications.

19 ¹ Promethazine-codeine is a combination antihistamine, narcotic, and cold medication
20 used to treat cough and runny or stuffy nose caused by flu, allergies, or the common cold. It is a
21 Schedule V controlled substance pursuant to Health and Safety Code section 11058, subdivision
(c)(l), and a dangerous drug pursuant to section 4022 of the Code.

22 ² Tylenol-Codeine No. 3 (brand name for acetaminophen and codeine) is a Schedule III
23 controlled substance pursuant to Health and Safety Code section 11056, subdivision (e), and a
dangerous drug pursuant to section 4022 of the Code.

24 ³ Ambien (brand name for zolpidem) is a Schedule IV controlled substance pursuant to
25 Health and Safety Code section 11057, subdivision (d), and a dangerous drug pursuant to section
4022 of the Code. It is a sedative medication used to treat insomnia.

26 ⁴ Soma (brand name for carisoprodol) is a Schedule IV controlled substance pursuant to
27 Health and Safety Code section 11057, and a dangerous drug pursuant to section 4022 of the
Code. It is a muscle relaxant medication used to treat pain.

28 ⁵ Phentermine is a Schedule IV controlled substance pursuant to Health and Safety Code

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Prescribing or Administering a Controlled Substance to Herself)**

3 29. Respondent has subjected her Physician Assistant License No. PA 20877 to
4 disciplinary action under sections 3527, 2227, and 2234, as defined by section 2239, subdivision
5 (a), of the Code, in that she has prescribed and administered a controlled substances to herself, as
6 more particularly alleged in paragraphs 20 through 28, above, which are hereby incorporated by
7 reference and realleged as if fully set forth herein.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Gross Negligence)**

10 30. Respondent has further subjected her Physician Assistant License No. PA 20877 to
11 disciplinary action under sections 3527, 2227, and 2234, as defined by section 2234, subdivision
12 (b), of the Code, in that she committed gross negligence by engaging in a repeated pattern of self-
13 prescribing controlled substances, as more particularly alleged in paragraphs 20 through 28,
14 above, which are hereby incorporated by reference and realleged as if fully set forth herein.

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(Violation of State Laws Regulating Dangerous Drugs and/or Controlled Substances)**

17 31. Respondent has further subjected her Physician Assistant License No. PA 20877 to
18 disciplinary action under sections 3527, 2227 and 2234, as defined by section 2238, of the Code,
19 in that she has violated a state law or laws regulating dangerous drugs and/or controlled
20 substances, as more particularly alleged in paragraphs 20 through 28 above, which are hereby
21 incorporated by reference and realleged as if fully set forth herein.

22 **FOURTH CAUSE FOR DISCIPLINE**

23 **(Dishonesty or Corruption)**

24 32. Respondent has further subjected her Physician Assistant License No. PA 20877 to
25 disciplinary action under sections 3527, 2227 and 2234, as defined by section 2234, subdivision
26 (e), of the Code, in that she has committed an act or acts of dishonesty or corruption, as more
27 _____
28 section 11057, subdivision (f), and a dangerous drug pursuant to section 4022 of the Code. It is a
stimulant and an appetite suppressant.

1 particularly alleged in paragraphs 20 through 28, above, which are hereby incorporated by
2 reference and realleged as if fully set forth herein.

3 **FIFTH CAUSE FOR DISCIPLINE**

4 **(False Representations)**

5 33. Respondent has further subjected her Physician Assistant License No. PA 20877 to
6 disciplinary action under sections 3527, 2227 and 2234, as defined by section 2261, of the Code,
7 in that she has knowingly made or signed a certificate or document directly or indirectly related to
8 the practice of medicine which falsely represented the existence or nonexistence of a
9 state of facts, as more particularly alleged in paragraphs 20 through 28, above, which are hereby
10 incorporated by reference and realleged as if fully set forth herein.

11 **SIXTH CAUSE FOR DISCIPLINE**

12 **(Furnishing Drugs Without Examination)**

13 34. Respondent has further subjected her Physician Assistant License No. PA 20877 to
14 disciplinary action under sections 3527, 2227 and 2234, as defined by section 2242, of the Code,
15 in that she prescribed, dispensed, or furnished dangerous drugs without an appropriate prior
16 examination and medical indication, as more particularly alleged in paragraphs 20 through 28
17 above, which are hereby incorporated by reference and re-alleged as if fully set forth herein.

18 **SEVENTH CAUSE FOR DISCIPLINE**

19 **(Failure to Maintain Adequate and Accurate Records)**

20 35. Respondent has further subjected her Physician Assistant License No. PA 20877 to
21 disciplinary action under sections 3527, 2227 and 2234, as defined by section 2266, of the Code,
22 in that she failed to maintain adequate and accurate records, as more particularly alleged in
23 paragraphs 20 through 28, above, which are hereby incorporated by reference and realleged as if
24 fully set forth herein.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Physician Assistant Board issue a decision:

1. Revoking or suspending Physician Assistant License No. PA 20877, issued to Respondent, Stephanie M. Brammer, P.A.;
2. Ordering Respondent, Stephanie M. Brammer, P.A., to pay the Board the costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Ordering Respondent, Stephanie M. Brammer, P.A., if placed on probation, to pay the Board probation monitoring fees; and
4. Taking such other and further action as deemed necessary and proper.

DATED: November 16, 2022

Rozana Khan

ROZANA KHAN
Executive Officer
Physician Assistant Board
Department of Consumer Affairs
State of California
Complainant

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